



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No. **VA0022772**
Effective Date: **September 14, 2009**
Expiration Date: **September 13, 2014**

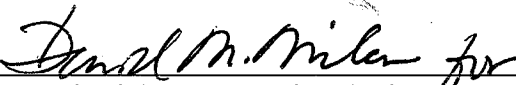
**AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit, as set forth herein.

Owner: **Town of Clifton Forge**
Facility Name: **Clifton Forge Wastewater Treatment Plant**
County: **Alleghany County**
Facility Location: **100 Mountain View Cemetery Road, Clifton Forge, Virginia**

The owner is authorized to discharge to the following receiving stream:

Stream: **Jackson River (River mile: 3.46)**
River Basin: **James River**
River Subbasin: **Jackson River**
Section: **12**
Class: **IV, Mountainous Zone Waters**
Special Standards: **None**


Steven A. Dietrich, P.E., Regional Director
Blue Ridge Regional Office


Date

A. Limitations and Monitoring Requirements

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall number **001** (treated wastewater). This discharge shall be limited and monitored as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow, (MGD) ^a	NL	NA	NA	NL	Continuous	TIR
pH (standard units)	NA	NA	6.0	9.0	1/day	Grab
BOD ₅ ^c	30 mg/L 227 kg/d	45 mg/L 340 kg/d	NA	NA	5 days/week	24 HC
Total Suspended Solids ^c	30 mg/L 227 kg/d	45 mg/L 340 kg/d	NA	NA	5 days/week	24 HC
Total Residual Chlorine ^{b&c}	89 µg/L	107 µg/L	NA	NA	4/day at 4 hour intervals	Grab
E. coli (n/100 mL)	126*	NA	NA	NA	2/month*	Grab*

NA = Not applicable NL = No limitation, monitoring required TIR = Totalizing, Indicating & Recording 24 HC = 24 Hour Composite

* = Geometric Mean. Grab samples shall be collected at least 7 days apart and between the hours of 10 a.m. and 4 p.m.

- a. The design flow of this treatment facility is 2.0 MGD. See Part I.C.1. for additional flow requirements.
- b. See Part I.B. for additional Total Residual Chlorine monitoring requirements.
- c. See Part I.C.10. for Quantification Levels and Compliance Reporting.
- d. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- e. At least 85% removal for BOD₅ and TSS must be attained for this effluent.
- f. This facility has Total Nitrogen and Total Phosphorus calendar year load limits associated with this outfall included in the current Registration List of the General VPDES Watershed Permit Regulations for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9 VAC 25-820-10 et seq.). This facility is registered as VAN040064 under this VPDES General Permit.

B. Additional Total Residual Chlorine (TRC) Limitations and Monitoring Requirements

1. a. The permittee shall monitor the TRC at the outlet of each operating chlorine contact tank **4 times per day at 4-hour intervals** by grab sample.
 - b. No more than **12** of all samples shall be less than **1.0 mg/L** for any one calendar month [DMR code # 157].
 - c. No TRC sample shall be less than **0.6 mg/L** [DMR code # 213].
 - d. If dechlorination facilities exist the samples above shall be collected prior to dechlorination.
2. If chlorine disinfection is not used, bacteria shall be limited and monitored by the permittee as specified:

	<u>Monthly Average</u>	<u>Frequency</u>	<u>Sample Type</u>
E. coli (N/100 mL)	126	5 days/week	grab
	(geometric mean)	(between 10 a.m. to 4 p.m.)	

The above requirements, if applicable, shall substitute for the TRC requirements delineated in Parts I.A.1 and I.B.1 above.

C. Other Requirements or Special Conditions

1. **95% Capacity Reopener** - A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ Blue Ridge Regional Office, when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at **the Blue Ridge Regional Office no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity**. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of the permit.
2. **Indirect Dischargers** - The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of the Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.
3. **CTC, CTO Requirement** - The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulation (9VAC 25-790), obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit.

C. Other Requirements or Special Conditions

4. **O&M Manual Requirement** - The permittee shall review the existing Operations and Maintenance (O & M) Manual and **notify the DEQ Regional Office in writing by December 13, 2009** whether it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office by **December 13, 2009** or with the above required notification. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Techniques to be employed in the collection, preservation, and analysis of effluent samples (and sludge samples if sludge analyses are required);
- b. Discussion of Best Management Practices, if applicable;
- c. Treatment works design, treatment works operation, routine preventative maintenance of units within the treatment system, critical spare parts inventory and record keeping;
- d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants that will prevent these materials from reaching state waters.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O & M Manual shall be deemed a violation of the permit.

5. **Licensed Operator Requirement** - The permittee shall employ or contract at least one **Class II** licensed wastewater works operator for the permitted facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

6. **Reliability Class** - The permitted treatment works shall meet **Reliability Class II**.

7. **Water Quality Criteria Reopener** - Should effluent monitoring indicate the need for any water quality based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations.

8. **Sludge Reopener** - The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

9. **Total Maximum Daily Load (TMDL) Reopener** - This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

C. Other Requirements or Special Conditions (continued)**10. Compliance Reporting under Part I.A and I.B.**

- a. Quantification Levels (QLs) shall be as follows:

<u>Parameter</u>	<u>QL</u>	<u>Parameter</u>	<u>QL</u>
BOD ₅	5.0 mg/l	Chlorine	0.10 mg/l
Total Suspended Solids	1.0 mg/l		

- b. Reporting

Monthly Average - Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows: All concentration data below the QL listed above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

Weekly Average - Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

- c. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.D.1.a. above. Otherwise, the numerical value shall be reported.

Significant Digits - The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

C. Other Requirements or Special Conditions (continued)

11. Sludge Use and Disposal - The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ and Department of Health approval 90 days prior to the effective date of the change. Upon approval, the SMP becomes an enforceable part of the permit. The permit may be modified or alternately revoked and reissued to incorporate limitations/conditions necessitated by substantive changes in sewage sludge use or disposal practices.

12. Toxic Monitoring Program - Biological Monitoring

The permittee shall conduct **annual acute and chronic toxicity tests** for the duration of the permit. The permittee shall collect 24-hour flow-proportioned composite samples of final effluent from outfall 001. The acute test to use is 48-hour Static Acute test using *Pimephales promelas*. The acute tests shall be performed with a minimum of 5 dilutions, derived geometrically, for calculation of a valid LC_{50} . Report the LC_{50} results on the DMR as TU_a (Acute Toxic Units) by dividing $100/LC_{50}$. The chronic test to use is Chronic 7-day Static Renewal Survival and Growth Test using *Pimephales promelas*. The chronic tests shall be conducted in such manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and growth. Results which cannot be determined (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Report the NOEC results on the DMR as TU_c (Chronic Toxic Units) by dividing $100/NOEC$. Report the LC_{50} at 48 hours and the IC_{25} with the NOECs in the test report.

The permittee may provide additional samples to address data variability during the period of initial generation. These data shall be reported and may be included in the evaluation of effluent toxicity. The procedures and reporting shall be in accordance with the Whole Effluent Toxicity (WET) testing methods cited in 40 CFR 136.3.

The test dilutions should be able to determine compliance with the following endpoints: acute LC_{50} of 30% equivalent to a $TU_a = 3.33$ and chronic NOEC of 3% equivalent to a $TU_c = 33.3$. The test data may be evaluated by WLA.exe for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests may be discontinued.

The permittee shall **report the results on the DMR and supply 1 copy of the test report.**

Compliance shall be by December 31st of each year with DMR and report submitted by January 10th of the following year.

D. Pretreatment Program The permittee's pretreatment program has been approved. The program is an enforceable part of this permit.

1. Within **180 days of the effective or modification date of this permit**, the permittee shall submit to the DEQ Regional Office a survey of all Industrial Users discharging to the POTW. The information shall be submitted on the DEQ Discharger Survey Form, or an equivalent form that includes the quantity and quality of the wastewater. In lieu of the survey, the permittee may elect to develop, submit for approval and implement the plan to continuously survey the industrial community in their jurisdiction.
2. If Categorical Industrial Users are identified, or if the permittee or DEQ determines that the industrial users may be adversely affecting the operation of the POTW or causing violations of federal, state or local standards or requirements, the permittee shall, within 360 days of commencement of discharge, submit to the DEQ Regional Office a legally enforceable document which enables the POTW to control by permit the Significant Industrial Users* (SIU) discharging wastewater to the treatment works.
3. The legal authority document(s) shall be accompanied by a statement from the city, county or town attorney or a representative acting in the same capacity, that the permittee has adequate authority to enforce the Clean Water Act, Water Control Law and State regulations.
4. Upon DEQ approval of the legal authority, it shall become an enforceable condition of this permit.
5. The permittee shall within 90 days of DEQ approval of the legal authority develop local limits for approval, where necessary, to control the SIUs to the POTW treatment works. All categorical and those other SIUs with the potential to violate pretreatment standards and requirements shall be permitted.
6. The permittee with Significant Industrial Users (SIU) shall submit to the DEQ Regional Office an annual report no later than January 15 of each year and must include:
 - a. The compliance status of the SIU with the pretreatment standards and requirements.
 - b. An updated list of the SIUs to the treatment works showing categorical standards and local limits applicable to each.
 - c. Results of biannual self-monitoring data for all regulated parameters submitted by all SIUs.
 - d. Results of all POTW monitoring of SIUs.
 - e. A summary of the number and types of SIU inspections performed by the permittee.
 - f. All information concerning interference, upset, permit violations, or water quality standards violations directly attributable to the SIU and enforcement actions to alleviate said event.
 - g. A description of the permittee's enforcement actions over the previous 12 months.
7. The DEQ retains the right to require the POTW to institute changes to the legal authority regarding Significant Industrial User (SIU) permits(s):
 - a. If the legal authority does not meet the requirements of the Clean Water Act, Water Control Law or State regulations;
 - b. If problems such as interference, pass-through, violations of water quality standards or sludge contamination develop or continue; and
 - c. If federal, state or local requirements change.

*A significant industrial user (SIU) is one that:

- a. Has a process wastewater (**) flow of 25,000 gallons or more per average workday;
- b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;
- c. Is subject to the categorical pretreatment standards; or
- d. Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

**Excludes sanitary, non-contact cooling water and boiler blowdown.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. MONITORING

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. RECORDS

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. REPORTING MONITORING RESULTS

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to: Virginia Department of Environmental Quality Blue Ridge Regional Office - Roanoke, 3019 Peters Creek Road, Roanoke, VA 24019-2738.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. COMPLIANCE SCHEDULE REPORTS

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. UNAUTHORIZED DISCHARGES

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. REPORTS OF UNAUTHORIZED DISCHARGES

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II, Section F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II, Section F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. REPORTS OF UNUSUAL OR EXTRAORDINARY DISCHARGES

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II, Section I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. REPORTS OF NONCOMPLIANCE

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II, Section I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II, Sections I.1. or 2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II, Section I.2.

NOTE: The immediate (within 24 hours) reports required in Part II, Sections G., H. and I. may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. NOTICE OF PLANNED CHANGES

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

J. NOTICE OF PLANNED CHANGES (continued)

- (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. SIGNATORY REQUIREMENTS

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II, Section K.1., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II, Section K.1.;

K. SIGNATORY REQUIREMENTS (continued)

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
- 3. Changes to authorization. If an authorization under Part II, Section K.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II, Section K.2. shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
 - 4. Certification. Any person signing a document under Parts II, Section K.1. or 2. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. DUTY TO COMPLY

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. EFFECT OF A PERMIT

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. STATE LAW

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II, Section U.), and "upset" (Part II, Section V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. DISPOSAL OF SOLIDS OR SLUDGES

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. BYPASS

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II, Sections U.2. and U.3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II, Section I.

U. BYPASS (continued)

3. Prohibition of bypass

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II, Section U.2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II, Section U.3.a.

V. UPSET

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II, Section V.2. are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II, Section I.; and
 - d. The permittee complied with any remedial measures required under Part II, Section S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. PERMIT ACTIONS

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. TRANSFER OF PERMITS

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II, Section Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II, Section Y.1., this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II, Section Y.2.b.

Z. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.